UNITED STATES PATENT AND TRADEMARK OFFICE

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Thompson Hine LLP
10050 Innovation Drive
Suite 400
Dayton, OH 45342-4934

EXAMINER
ERB, NATHAN

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ex parte MARTIN J. DREFS and JEFFERSON BRIDGER WALSH

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Appeal 2016-002161
Application 12/872,688
Technology Center 3600

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Before JEAN R. HOMERE, ADAM J. PYONIN, and
MICHAEL M. BARRY, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a Final Rejection of claims 1, 2, 5, 6, 10, 12–16, and 20–27, which constitute all claims pending in this application.[1] App. Br. 6. Claims 3, 4, 7, 8, 9, 11, and 17–19 have been canceled. *Id*. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

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Introduction

Appellants' claimed subject matter relates to a travel reservation system using a common object model for representing disparate travel products and services. Spec. ¶ 6, Fig. 2. According to Appellants, the common object model provides an interface structure that integrates the travel reservation system with third party travel providers regardless of the types of travel products and services being offered. *Id.* In particular, upon receiving a user query at the reservation system, the common object model uses translators for converting travel products and services offered by the disparate third party travel providers to thereby provide a set of query results covering multiple different product/service types in response to the single query input. *Id.*

Representative Claim

Independent claim 1 is representative, and reads as follows:

1.   A computer-implemented method comprising:
        receiving, at a travel reservation system, an item availability request from an initiating travel provider providing a first type of travel item requested by a user, the travel reservation system providing a single point of entry for third party travel item providers,

        the item availability request specifying a single search to be performed by the travel reservation system using one or more criteria describing both other types of travel items that are different from the first type of travel item requested by the user and other travel items that are of the first type but not serviceable by the initiating travel provider, and

        the item availability request being generated by the initiating travel provider in response to a search request received from the user at the initiating travel provider for the first type of travel item so as to provide the user with information regarding one or more of the other types of travel items for use in connection with a trip involving the first type of travel item;

translating, by one or more computer processors of the travel reservation system, the one or more criteria to provider-specific criteria to create provider-specific queries for the third party travel item providers using a common object model that defines objects as provider-independent or provider-specific within the travel reservation system, the common object model comprising a set of common functions that provide a same functionality to the third party travel item providers accessing the travel reservation system at the single point of entry, the objects comprising one or more common attributes that are applied in a same manner to all types of travel items and one or more variable attributes that are applied in a different manner to different types of travel items, depending on the context of the travel items;

transmitting the provider-specific queries from the travel reservation system to the third party travel item providers requesting information regarding available travel items that satisfy the one or more criteria;

receiving, at the travel reservation system, the information from the third party travel item providers regarding the available travel items that satisfy the one or more criteria, the information having formats specific to the third party travel item providers;

translating, by the one or more computer processors of the travel reservation system, the information received from the third party travel item providers into information having a provider-independent format that conforms with the common object model, the translating comprising mapping provider-specific data fields to common object model data fields utilized by the set of common functions;

storing, in one or more travel product databases of the travel reservation system, the information in the provider-independent format such that the information can be processed according to the common object model;

receiving, from a product administrator, an inventory of one or more additional travel items and product variations associated with the one or more additional travel items, the one or more additional travel items and product variations defined according to the provider-independent format that conforms with the common object model; and

transmitting the information received from the third party with the provider-independent format and additional information regarding an additional travel item and a product variation associated with the additional travel item from the travel reservation system to the initiating travel provider for presentation by the initiating travel provider to the user.

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Rejection on Appeal

Claims 1, 2, 5, 6, 10, 12–16, and 20–27 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Final Act. 4–5.

ANALYSIS

Appellants argue the Examiner erred in concluding that claims 1, 2, 5, 6, 10, 12–16, and 20–27 are directed to the abstract idea of "facilitating travel reservations."[2] App. Br. 14, Reply Br. 2. In particular, Appellants argue the following:

> In rejecting the claims, the Office action argues that the "claim(s) is/are directed to the abstract idea of facilitating travel reservations, which is a fundamental economic practice and/or a method of organizing human activities" (Office Action, p. 5). Appellant respectfully notes that this characterization of the claims is inaccurate. The specification of the instant application is devoid of any discussion of economic practices and devoid of any discussion of methods of organizing human activities, much less any characterization of "facilitating travel reservations" as an economic practice or a method of organizing human activities. Further, the Office Action does not substantiate this characterization with any evidence.

App. Br. 14.

According to Appellants, the claims are directed to the following:

> [A] common object model that defines objects as provider-independent or provider-specific within a travel reservation system and that includes a set of common functions providing a same functionality to third party travel item providers accessing the travel reservation system at the single point of entry, as well as the use of one or more travel product databases that store

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[2] Rather than reiterate the arguments of Appellants and the Examiner, we refer to the Appeal Brief (filed July 20, 2015) ("App. Br."), the Reply Brief (filed December 14, 2015) ("Reply Br."), and the Answer (mailed October 15, 2015) ("Ans.") for the respective details.

information in a provider-independent format such that the
information can be processed according to the common object
model (see, e.g., *Ex Parte Edward L. Palmer,* Appeal 2012-
003262, February 26, 2015 (2015 WL 933401); holding claims
directed to "a poker game method of play" as patent-eligible
under *Alice.*)[3]

Id. at 16.

Further, Appellants ague that even if the claims were directed to an

abstract idea, they recite a combination of elements that amounts to

significantly more than the abstract idea itself. App. Br. 16. According to

Appellants,

> [T]he subject matter of claims 1, 2, 5, 6, 10, 12-16, and 20-27 is
> rooted in computer technology in order to overcome problems
> specifically arising in the realm of computer-assisted
> integration relationships between a travel reservation system
> and various third-party travel providers, which qualifies claims
> 1, 2, 5, 6, 10, 12-16, and 20-27 as patent-eligible subject matter
> *(see, e.g., DDR Holdings, LLC v. Hotels.com, LP* (Fed. Cir.
> 2014)). In short, the subject matter of claims 1, 2, 5, 6, 10, 12-
> 16, and 20-27 is directed to a problem that is unique to
> accessing interfaces provided by various third-party travel
> providers, where a travel reservation system must understand
> specific data structures and functions exposed by the interfaces
> in order to represent disparate travel products and services
> defined by object models utilized by each of the various third-
> party travel providers (*see, e.g.,* Spec., ¶¶ [0006] and [0026]),
> and the solution provided by claims 1, 2, 5, 6, 10, 12-16, and
> 20-27 "is tethered to the technology that created the problem."
> (*see Messaging Gateway Solutions, LLC v. Amdocs, Inc. et al.,*
> D. Del., 1-14-cv-00732 (April 15, 2015)).

Id. at 17. These arguments are persuasive.

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[3] *Alice Corp. Pty. Ltd. v. CLS Bank Int'l,* 134 S. Ct. 2347, 2354 (2014).

The U.S. Supreme Court provides a two-step test for determining whether a claim is directed to patent-eligible subject matter under 35 U.S.C. § 101. *See Alice*, 134 S. Ct. at 2355. In the first step, we determine whether the claims are directed to one or more judicial exceptions (i.e., law of nature, natural phenomenon, and abstract ideas) to the four statutory categories of invention. *Id.* (citations omitted) (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 132 S. Ct. 1289, 1296–97 (2012)) ("*Mayo*"). In the second step, we "consider the elements of each claim both individually and 'as an ordered combination' to determine whether the additional elements 'transform the nature of the claim' into a patent-eligible application." *Id.* (citing *Mayo*, 132 S. Ct. at 1297–98). In other words, the second step is to "search for an 'inventive concept'—*i.e.*, an element or combination of elements that is 'sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.'" *Id.* (citing *Mayo*, 132 S. Ct. at 1294).

At the outset, we note the Examiner's acknowledgement that the claims are directed to "a specific way of extending a search for travel products to additional database sources, using a common object model." Ans. 6. However, we do not agree with the Examiner that Appellants' claims are merely directed to a generic/general purpose computing system for performing the abstract idea of "'facilitating travel reservations.'" *Id.* Although the claimed common object model is used to facilitate travel reservation, its functions go beyond those of a general purpose computer for merely organizing, storing, and transmitting information, as alleged by the Examiner. *Id.* We likewise disagree with the Examiner that the functions of the common object model are limited to receiving, adjusting, and generating

data within a travel reservation system. *Id.* at 10. Instead, we agree with Appellants that because the claimed common object model provides an interface for integrating disparate systems from which results to a single query can be obtained, the claims are directed to more than merely facilitating travel reservations. App. Br. 17. Additionally, we agree with Appellants that the Examiner's proffered "'brick and mortar'" analogue to the claimed common object model is an overly narrow interpretation of a scenario in the Internet era, which does not have an analogue in the pre-Internet era. Reply Br. 7 (citing Ans. 11). Consequently, we agree with Appellants that the Examiner has failed to show on this record that the elements of claim 1 do not amount to "significantly more" than the abstract idea of using a computer to facilitate travel reservation, or that they do not add any meaningful limitations beyond generally linking the abstract idea to the particular technological environment. *Id.*[4] Because Appellants have shown at least one reversible error in the Examiner's patent eligibility rejection, we need not reach Appellants' remaining arguments.

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[4] Considerations for determining whether a claim with additional elements amounts to "significantly more" than the judicial exception itself include improvements to another technology or technical field (*Alice Corp.*, 134 S. Ct. at 2359 (citing *Diamond v. Diehr*, 450 U.S. 175, 177–78 (1981))); adding a specific limitation other than what is well-understood, routine and conventional in the field, or adding unconventional steps that confine the claim to a particular useful application (*Mayo*, 132 S. Ct. at 1299, 1302); or other meaningful limitations beyond generally linking the use of the judicial exception to a particular technological environment (*Alice Corp.*, 134 S. Ct. at 2360). *See, e.g., Amdocs (Israel) Ltd. v. Openet Telecom, Inc.*, 841 F.3d 1288, 1300–01 (Fed. Cir. 2016) ("the claim's enhancing limitation necessarily requires that these generic components operate in an unconventional manner to achieve an improvement in computer functionality.").

Accordingly, we reverse the Examiner's non-statutory subject matter rejection of claim 1, as well as the rejection of claims 2, 5, 6, 10, 12–16, and 20–27, which were rejected on the same basis.

DECISION

For the above reasons, we reverse the Examiner's nonstatutory subject matter rejection of claims 1, 2, 5, 6, 10, 12–16, and 20–27.

REVERSED